

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

FEBRUARY 7, 2012

The following is a summary of the February 7, 2012 Meeting:

- I. Meeting called to order at 9:03 AM by Randy Moore, Chairman. Members present were Randy Moore, Gerald Kendrick, Joseph Buchanan, Arvil McConnell, Jr. and Ricky O'Quinn. Also present were Mary Gibson, Regulatory Boards Administrator, Butch Lambert, DMME Deputy Director, and Sharon Pigeon, Sr. Assistant Attorney General.**
- II. Opening statement delivered by Randy Moore, Chairman.**
- III. Motion made and seconded to accept February 7, 2012, meeting agenda and approve January 3, 2012, meeting summary. All members were in favor to approve.**
- IV. Review of Virginia Substance Abuse Cases (Closed Session)**

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

- V. Review of cases of Virginia certificate holders
Chadwick Samuel Coleman**

Board Decision: The West Virginia Office of Explosives and Blasting suspended Mr. Coleman's blasters certification pending an investigation of a flyrock incident. Since he holds a Virginia blasting certification and is employed in the capacity of a contractor blaster allowing mobility from job to job, the Board required Mr. Coleman to appear for review of the incident and certification status. The West Virginia Office of Explosives and Blasting has concluded the investigation and required Mr. Coleman to attend flyrock prevention presentation and 8-hour blaster training class. Mr. Coleman's suspension has been lifted, and his West Virginia blasters certification is once again in "good standing". No action was taken regarding his Virginia blasters certification, and a follow-up letter documenting such will be sent to Mr. Coleman.

VI. Open Agenda

Randy Moore informed the Board of request by Jeff Elkins, attorney for the three foreman at Fairbanks Coal Co., Inc. surface mine on which occurred a recent fatality, to meet with him to discuss a potential plea bargain agreement regarding status of their certifications. Mr. Moore asked for the Board's recommendation. Members of the Division of Mines Big Stone Gap Emergency Response Team presented information to the Board and answered questions regarding fact sheets, justifications and Notices of Violation issued to Daniel C. Short, George K. Steele and Timothy R. Wright.

The Board's recommendation for a proposed plea agreement is for the mine foreman certifications to be suspended for a one-year period from the violation issue date and a one year probationary period after the date of suspension. The Board also endorsed a recommendation of completion of examination of portions of the Surface Foreman examination prior to the end of the suspension period. A part of the plea agreement is that Daniel Short and George Steele will waive their requests for informal conferences contesting their Notices of Violation. Also, individual training will be conducted for Mr. Short and Mr. Steele as part of correcting the individual violations. The Board agreed that acceptance of these agreement requirements will negate the scheduled appearances before the Board previously scheduled for February 16.

VII. Next Meeting

Next meeting will be March 6, 2012.

VIII. Adjournment

Meeting adjourned at 4:30 PM.